

GUIDELINES FOR EXEMPTION FROM SCHOOL

FREQUENTLY ASKED QUESTIONS

General Principles

Who can grant exemptions?

Section 25 of the *Education Act* (1990) gives the Minister specific powers related to certificates of exemption to the parents of children of compulsory school age from the requirement that they be enrolled at and attend a government school (or registered non-government school or be registered for and receive home schooling).

In addition, the Director-General is delegated the power to exercise all the Minister's powers under Section 25 without limitation.

The powers related to certificates of exemption to the parents of children of compulsory school age from the requirement that they be enrolled at and attend a government school (or registered non-government school or be registered for and receive home schooling) have been delegated from the Minister, Under Section 25 of the *Education Act 1990*, to the following senior officers.

Delegates	Powers – Exemption from Attendance at School (Note: Delegates cannot delegate this power)
DEC	Granting of an exemption from school attendance totalling more than 100 schools days in a twelve month period for any one student. Please contact Robyn Yates at AIS for further information on 9299 2845.
Principals	Granting of an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student.
	Powers – Exemption from Attendance at School (Note: Delegates cannot delegate this power)
DEC	Granting an exemption from school enrolment provided certain conditions are met. Please contact Robyn Yates at AIS for further information on 9299 2845.

Exemption from Attendance at School

Granting full day exemptions from attendance at school

- Family holidays

When are family holidays considered reasonable grounds for exemption?

Refer to 1.1.2 of *Guidelines for Exemption from School (2009)*. Certificates of Exemption from the compulsory education requirements of the *Education Act 1990* may be granted by a delegated officer when it has been clearly demonstrated by the applicant that an exemption is in the student's best interests in the short and long term and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.

Granting part day exemptions from attendance at school

- How are part day exemptions counted?

Refer to 1.3 of *Guidelines for Exemption from School (2009)*. Note that as per Statement 1.3.2, 'Students of compulsory school age who are participating in approved alternative education programs may be granted short term exemptions for periods of time not exceeding the equivalent number of full school days provided for within the delegates' power.

A full school day totals 6 hours.

Principals can grant an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student. Principals must keep a record of part day exemptions granted to ensure that the exemptions granted for any one student do not exceed 100 days (full time equivalent).

- Specified weekly exemptions for an accredited elite sports program

Can a student be exempted from school during specified times in the week to attend an accredited elite sports program (program is associated with Olympics) or does the principal grant leave?

This would depend on the circumstances of the application. The principal can grant an exemption totalling not more than 100 days in a 12 month period for any one student. Certificates of Exemption from the compulsory education requirements of the *Education Act 1990* may be granted by a delegated officer when it has been clearly demonstrated by the applicant that an exemption is in the student's best interests in the short and long term and that alternatives to exemption have been considered. {Section 1.1.2 of *Guidelines for Exemption from School (2009)* refers}.

- What constitutes an accredited elite sports program?

Accredited elite sports programs include national and international sports organisations who run training camps for athletes; national sports squads that students have been selected to participate in; talented identification programs run by the New South Wales Department of Sport and Recreation.

Conditions attached to granting exemptions from attendance at school

- Is there a minimum number of days for which students can be exempted?

No, provided the principles in the *Guidelines from Exemption at School (2009)* are adhered to.

- Can an exemption from attendance at school be cancelled?

Yes, if the conditions attached to the exemption are not met, the certificate is no longer valid. In other matters, where the Certificate of Exemption needs to be cancelled, the matter should be referred to the Manager, Student Behaviour and Attendance, Student Welfare Directorate for action.

Exemption from Enrolment at School

Granting exemptions from enrolment at school

- Child turning six prior to October in a school year

If a child is turning six prior to October in a school year and the parents request an exemption from enrolment at school, can this be granted?

Generally, the answer is no, however there may be some circumstances where this would be considered. In deciding whether this is appropriate, the following key principles should be considered.

The *Education Act 1990* requires parents to enrol their children at school (or register them with the Office of the Board of Studies for home schooling) by their sixth birthday.

Ideally, students will be enrolled at the commencement of the year in which they turn six in order to gain the maximum benefits of school. However, there is no legal requirement to do so until their sixth birthday.

The conditions under which an exemption may be granted are outlined in Section 2.2.1 of the *Guidelines for Exemption from School (2009)*. Regional Directors may grant such exemptions due to:

- age, where a child turns six years in October or later in a school year and is engaged in full time preschool education at an accredited preschool for the remainder of the school year
- participation in full or part-time accredited preschool programs for students with disabilities leading to enrolment and full time attendance at a government or registered non-government school not later than six months after the child's sixth birthday
- the health or disability of a child necessitating the continuation of an individual program supported by medical specialists not longer than six months after the child's sixth birthday.

Note: Where children are expected to enrol in Kindergarten following the period of exemption from enrolment, they may be involved in a transition-to-school program as a condition of their exemption.

Conditions attached to granting exemptions from enrolment at school

- Can an exemption from enrolment at school be cancelled?

Yes, if the conditions attached to the exemption are not met, the certificate is no longer valid. In other matters, where the Certificate of Exemption needs to be cancelled, the matter should be referred to the Manager, Student Behaviour and Attendance, Student Welfare Directorate for action.